

**MINUTES OF THE
HOUSE AND SENATE RULES COMMITTEES MEETING JOINTLY**
December 29, 2005 – 9:00 a.m. Room W135 House Building

Members Present:

Sen. Michael Waddoups, Chair
Rep. Rebecca Lockhart, Chair
Sen. Curtis S. Bramble
Sen. D. Chris Buttars
Sen. Gene Davis
Sen. Sheldon L. Killpack
Sen. David L. Thomas
Sen. Carlene M. Walker
Rep. Jackie Biskupski
Rep. Stephen D. Clark
Rep. John B. Dougall
Rep. James B. Dunnigan
Rep. Neal B. Hendrickson

Rep. Todd E. Kiser
Rep. David Litvak
Rep. Ann W. Hardy
Rep. Greg H. Hughes
Rep. David Ure

Members Absent:

Sen. Ed P. Mayne
Rep. J. Stuart Adams

Staff Present:

Mr. John Q. Cannon, Managing Policy Analyst
Mr. Brian Allred, Policy Analyst
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Lockhart called the meeting to order at 9:09 a.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the November 15, 2005 meeting. The motion passed unanimously with Sen. Killpack, Rep. Clark, Rep. Hughes, and Rep. Kiser absent for the vote.

2. Recodification of Joint Rules

Mr. Fellows reviewed draft legislation, "Joint Rules - Recodification and Revisions," explaining that it incorporated all the changes the Committees had made to date. He said that General Counsel Gay Taylor had proposed additional changes, included on "Proposed Changes to Recodified Joint Rules," which was distributed prior to the meeting. He reviewed those changes.

The Committee discussed the changes.

MOTION: Sen. Waddoups moved to adopt the proposed changes to recodified joint rules, as they appeared on the handout, "Proposed Changes to Recodified Joint Rules." The motion passed unanimously. Rep. Hughes was absent for the vote.

Mr. Fellows explained proposed changes to Rule 1-2-101 outlined on a handout distributed prior to the meeting, "Rule 1-2-101 Convening the Legislature – Process – Date."

MOTION: Sen. Davis moved to adopt changes to Rule 1-2-101. The motion passed unanimously, with Rep. Hughes absent for the vote.

MOTION: Rep. Hendrickson moved to approve changes to draft legislation, "Joint Rules - Recodification and Revisions." The motion passed unanimously, with Rep. Hughes absent for the vote.

3. Joint and Interim Rules Revisions

Sen. Waddoups presented draft legislation, "Interim Rules Resolution - Quorum Requirements" and explained that it requires at least one senator to be present in order to constitute a committee quorum.

MOTION: Sen. Waddoups moved to adopt "Interim Rules Resolution - Quorum Requirements" as a committee bill. The motion passed unanimously, with Rep. Hughes absent for the vote.

Sen. Waddoups explained draft legislation, "Interim Rules Resolution - Committee Powers." He said it allows interim committees to require public comment to be given under oath.

MOTION: Sen. Bramble moved to approve "Interim Rules Resolution - Committee Powers" as a Committee Bill. The motion passed unanimously, with Sen. Hughes absent for the vote.

Rep. Ross Romero introduced draft legislation, "Joint Rules Resolution - Disclosure of Conflict of Interest." The bill requires that a legislator declare orally a conflict of interest before speaking on legislation or legislative matters in which a legislator reasonably believes he may have a conflict of interest.

The Committees discussed written disclosure forms, legislators' responsibility to know their interests, and the language of the Rep. Romero's bill.

Rep. Kiser stated his opposition to the legislation.

Sen. Waddoups said the change in language from "should" to "shall" implies a penalty and asked where that penalty was outlined. He said he saw a problem with the timing of disclosure in Rep. Romero's bill because legislators may forget to disclose conflicts during heated debate.

Rep. Romero explained that penalties are found in statute 76-8-109. He reminded the Committees that legislators are subject to a Class B misdemeanor for failing to disclose conflicts in writing. Under this bill legislators are required to disclose only when they are so interested to speak to an issue.

Sen. Bramble spoke in opposition to the legislation. He said that making the failure to disclose criminal conduct is onerous and suggested that it is incumbent on legislators to review other legislator's conflict of interest forms if they want this information.

Rep. Litvak asked for clarification on lines 40-43 of the legislation, whether a legislator can speak to legislation without disclosing if the legislator has already completed the conflicts of interest disclosure form.

Rep. Romero said that that was correct.

Mr. Fellows affirmed Rep. Romero's answer.

Rep. Ure pointed out that disclosing conflicts of interest allows legislators to know their colleagues' backgrounds and biases. He knowledge helps legislators make well-informed decisions.

Rep. Dunnigan commented that as a citizen Legislature, conflicts of interest will always exist. He reminded the Committees that legislators are only required to disclose conflicts when there is a distinguishable benefit to them or someone close to them.

Sen. Waddoups stated his approval of the provision in this bill that requires legislators to update annually Declaration of Conflict of Interest forms. He pointed out the current rule requires legislators to disclose conflicts before a vote.

MOTION: Rep. Dougall moved to move to the next agenda item.

Rep. Romero stated that statute requires an oral declaration while rules only state "should." He asked staff to help clarify the language. He also agreed that the penalty for failure to orally disclose conflicts could be excessive and said he would look at penalizing only for failure to disclose in writing.

Chair Lockhart said she was uncomfortable with the change from "should" to "shall."

Chair Lockhart placed Rep. Dougall's motion. The motion passed with Rep. Ure and Rep. Hendrickson opposed.

Chair Lockhart referred the Committees to a memorandum passed out prior to the meeting, "Joint Rules Resolution - Legislative Expense Reimbursement Process," and explained that Rep. Last planned to pursue the legislation in the general session.

Sen. Davis asked if during the next interim the Committees would look at rules that have been codified because they raise separation of powers issues.

Rep. Ure asked about Senate rules governing fiscal notes on bills.

Mr. Cannon explained that the Senate Rule 24.01 makes no mention of fiscal notes requirements for bills.

MOTION: Rep. Hardy moved to adjourn. The motion passed unanimously.

The meeting was adjourned at 10:10 a.m.

The Rules Committees divided into separate meetings at this point. Chair Waddoups called the Senate rules Committee meeting to order at 10:15 a.m. Sen. Mayne was absent.

4. Senate Rules Revisions

Sen. Waddoups introduced draft legislation "Senate Rules Resolution - Consent Calendar Amendments."

MOTION: Sen. Davis moved to recommend "Senate Rules Resolution - Consent Calendar Amendments." The motion passed unanimously. Sen. Bramble and Sen. Killpack were absent for the vote.

5. Bills for Floor Assignment

Mr. Allred distributed "Senate Sponsor Approved Legislation for Potential Standing Committee Assignment Since December 22."

Sen. Waddoups reviewed the bill lists contained in the mailing packet.

6. Bills for Standing Committee Assignment

This item was discussed in combination with agenda item 5.

7. Other Business

Sen. Waddoups commented on three draft documents being put together by staff for use during the upcoming session. These documents, "Standing Committee Procedures," "Standing Committee Management," and "Senate Floor Procedures" were distributed to the Committee. Staff will provide final copies to the Committee when they are completed.

8. Adjourn

MOTION: Sen. Davis moved to adjourn the meeting. The motion passed unanimously.

Chair Waddoups adjourned the meeting at 10:29 a.m.